

REMARKS

The application has been amended and is believed to be in condition for allowance.

The Applicant has chosen to prosecute claims exclusively toward a method for manufacturing a capsule corresponding to claims 49-55 and 104-110 previously presented, without prejudice. Accordingly, claims 56-110 are canceled, without prejudice, and new claims 111-155 directed toward a method as above are added to claim the invention. Applicant reserves the right to re-present claims directed toward a capsule at a later time.

In the interest of clarity and readability, the method claims are presented as new claims 111-155.

Claims 111-155 find support in the specification, the drawing figures, and the claims as originally filed. For example, independent claim 111 recites features of previous claims 1, 49, 50, 51, and 52 (corresponding also to canceled claims 104-107). Claims 112-113 recite features corresponding to previous claims 51 and 106 (also page 23 line 26 to page 24 line 23). Support for the new claims is generally found at least in Figures 11a-12d and page 22 line 23 to page 26 line 17. New claims 111-155 do not introduce new matter.

In addition, claims 111-155 are believed to read on the species identified as Species A, Figs. 1a, 1b, 4a, 4b, 13a and 13b as elected in the response filed on October 23, 2009.

Formal Matters - Section 112, second paragraph

Claims 56-73, 81-87, 99-102 and 104-110 were rejected under 35 USC 112, second paragraph as being indefinite for a plurality of informalities identified on page 2 of the Official Action.

In response, claims 56-110 have been canceled, as indicated above. It is therefore respectfully submitted that the rejections under 35 USC 112, second paragraph have been rendered moot. Withdrawal of the rejections under 35 USC 112, second paragraph are thereby respectfully solicited.

It is further respectfully submitted that new claims 111-130 avoid the issues raised by the Official Action in connection with the rejections under 35 USC 112, second paragraph.

Substantive Issues - Section 103

The Official Action rejected claims 56-73, 81, 83-87, 99, 102 and 104-107 under 35 USC 103(a) as being unpatentable over Granger et al. (U.S. Pub. No. 2003/0021919; "GRANGER") in view of Cox (WO 94/20237; "COX").

The Official Action rejected claim 82 under 35 USC 103(a) as being unpatentable over GRANGER and COX, and further in view of Robinson (U.S. Patent No. 5,915,576; "ROBINSON").

In response, it is firstly noted that claims 56-110 have been canceled, as indicated above.

It is further respectfully submitted that none of the references GRANGER, COX, and ROBINSON, individually or in combination, teach or suggest all the features of the invention as recited by new claims 111-155.

The Official Action offers GRANGER as teaching a stopper capsule comprising two parts fixed together in rotation and axially by an assembly means, the capsule being provided with an outer part or shell wherein an outer skirt of the shell comprises at least a substantially cylindrical part with a first diameter D1.

The Official Action concedes that GRANGER fails to teach an expanded part with a height H2 inscribed in a circle with a second diameter D2 greater than the first diameter D1 of the substantially cylindrical part. The Official Action offers COX as teaching a tamper-evident ring and an expanded part forming an annular radial cavity.

GRANGER and COX teach outer caps and inserts assembled to form a final product by applying a mandrel (GRANGER paragraphs [0059]-[0065]) or a ram (COX page 11 lines 11-25) to press the two parts into coaxial engagement.

However, neither of GRANGER or COX, individually or in combination, teach or suggest a step wherein an expandable punch radially expands and forces a part of the skirt radially into contact with an inner wall of a radial cavity of a shaping die, as recited by claim 111.

On the contrary, GRANGER teaches only that a mandrel is extracted with the assistance of an expandable core, (paragraph [0064]). COX teaches that the ram 22 is withdrawn as soon as a crown portion of the plastics insert 6 is in abutments with the crown portion 3 of the container closure 1, (page 11, lines 26-30). There is no teaching or suggestion, in any of the references applied by the Official Action, of a radial expansion such that a skirt is radially forced into contact with a radial cavity of a shaping die.

It is therefore respectfully submitted that, at least for the foregoing reasons, claim 111 is patentable over the references GRANGER, COX, and ROBINSON.

It is further respectfully submitted that the claims depending from claim 111 are patentable over the references GRANGER, COX, and ROBINSON at least for depending from a patentable parent claim.

For example, it is respectfully submitted that none of the references GRANGER, COX, and ROBINSON teach or suggest a method wherein the expandable punch and the radial cavity are configured such that the radially expanded part and the substantially cylindrical part of said outer skirt have substantially the same thickness.

Accordingly, it is respectfully submitted that claim 117 is patentable in its own right, in addition to being dependent from a patentable parent claim.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicant has fully responded to the December 28, 2009 Official Action and that the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicant at the number provided below if the Examiner is of the opinion that further discussion of this case would be helpful in advancing prosecution.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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